

Senate File 2134 - Introduced

SENATE FILE 2134

BY PETERSEN

A BILL FOR

1 An Act modifying the periods of time to bring certain civil
2 actions, including by victims of sexual abuse, minors, and
3 persons with mental illness, and including effective date
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 614.1, subsection 12, Code 2018, is
2 amended to read as follows:

3 12. *Sexual abuse or sexual exploitation by a counselor,*
4 *therapist, or school employee.* An action for damages for
5 injury suffered as a result of sexual abuse, as defined in
6 section 709.1, by a counselor, therapist, or school employee,
7 as defined in [section 709.15](#), or as a result of sexual
8 exploitation by a counselor, therapist, or school employee
9 shall be brought within ~~five~~ ten years of the date the victim
10 was last treated by the counselor or therapist, or within
11 ~~five~~ ten years of the date the victim was last enrolled in or
12 attended the school.

13 Sec. 2. Section 614.8, Code 2018, is amended to read as
14 follows:

15 **614.8 Minors and persons with mental illness.**

16 1. The times limited for actions in [this chapter](#), or for
17 complaints or claims in [chapter 216](#), [669](#), or [670](#), except those
18 brought for penalties and forfeitures, are extended in favor
19 of persons with mental illness, so that they shall have one
20 year from and after the termination of the disability within
21 which to file a complaint pursuant to [chapter 216](#), to make a
22 claim pursuant to [chapter 669](#) or [670](#), or to otherwise commence
23 an action.

24 2. Except as provided in [section 614.1, subsection 9](#), or
25 [section 614.8A](#), the times limited for actions in [this chapter](#),
26 or for complaints or claims in [chapter 216](#), [669](#), or [670](#), except
27 those brought for penalties and forfeitures, are extended in
28 favor of minors, so that they shall have one year from and
29 after attainment of majority within which to file a complaint
30 pursuant to [chapter 216](#), to make a claim pursuant to [chapter](#)
31 [669](#), or to otherwise commence an action.

32 Sec. 3. Section 614.8A, Code 2018, is amended to read as
33 follows:

34 **614.8A Damages Commencement of action for minor or child**
35 **sexual abuse — time limitation.**

1 1. Notwithstanding section 614.8, subsection 2, and the
2 times limited for actions in this chapter, the time to file an
3 action relating to sexual abuse which occurred when the injured
4 person was a minor is extended twenty-five years beyond the
5 minor's attainment of eighteen years of age.

6 2. An In addition to the extension of time provided in
7 subsection 1, an action for damages for injury suffered as
8 a result of sexual abuse which occurred when the injured
9 person was a child, but not discovered until after the injured
10 person is of the age of majority, shall be brought within ~~four~~
11 twenty-five years from the time of discovery by the injured
12 party of both the injury and the causal relationship between
13 the injury and the sexual abuse.

14 Sec. 4. EFFECTIVE UPON ENACTMENT. This Act, being deemed of
15 immediate importance, takes effect upon enactment.

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with
18 the explanation's substance by the members of the general assembly.

19 This bill modifies the periods of time to bring civil actions
20 relating to young persons and persons with mental illness.

21 Under current Code section 614.1(12), a civil action for
22 damages for injury suffered as result of sexual abuse, as
23 defined in Code section 709.1, or sexual exploitation, by a
24 counselor, therapist, or school employee, each as defined in
25 Code section 709.15, can only be brought within five years
26 after the date that the victim was either last treated by the
27 counselor or therapist or last enrolled in or attended the
28 school. The bill amends the current law to provide that a
29 victim may bring such an action within 10 years of the date
30 that the victim was either last treated by the counselor or
31 therapist or last enrolled in or attended the school.

32 Under current Code section 614.8, the applicable limitations
33 period in which to bring certain civil actions is extended for
34 persons with mental illness and minors. Under current Code
35 section 670.2, a municipality is subject to liability for the

1 municipality's torts and those of the municipality's officers
2 and employees, acting within the scope of such officers'
3 and employees' employment or duties. Under current Code
4 section 670.5, an action for damages for an injury against a
5 municipality cannot be brought after two years of the alleged
6 injury, except as provided in Code section 614.8.

7 The bill amends Code section 614.8 to specify that the
8 extension of the limitations period for persons with mental
9 illness and for minors applies to claims brought pursuant to
10 Code chapter 670, which chapter is already referenced at the
11 beginning of the sentences extending the limitations period.

12 The amendment to Code section 614.8A in the bill extends
13 the time for filing a civil action relating to sexual abuse
14 which occurred when the injured person was a minor from one
15 year after the attainment of majority to 25 years after the
16 attainment of majority.

17 The amendment to Code section 614.8A in the bill also
18 provides that a civil action for damages relating to sexual
19 abuse which occurred when the injured party was a child shall
20 be brought within 25 years from the time of the discovery of
21 both the injury and the causal relationship between the injury
22 and the sexual abuse. Current law specifies such an action
23 shall be brought within four years from the time of discovery
24 of both the injury and the causal relationship between the
25 injury and the sexual abuse.

26 The bill takes effect upon enactment.